

**CITY OF SAN JOSÉ, CALIFORNIA
DEPARTMENT OF CITY PLANNING**

NEGATIVE DECLARATION

FILE NUMBER CP00-01-004

Council District Number 4

The Initial Study on which this Negative Declaration is based was prepared by the Director of Planning and is on file in the office of the Department of Planning, Building and Code Enforcement, Room 400, 801 North First Street, San José, California.

PROJECT LOCATION

County Assessor's Parcel Number 241-06-015 & -016,
241-05-010 & -012

Northeast and northwest corners of Commercial Street and Berryessa Road

PROJECT DESCRIPTION

The project consists of a Conditional Use Permit to allow an existing metal recycling facility on a 5.6 gross acre site.

CERTIFICATION

The Director of Planning certifies that the above project will not have a significant effect on the environment. This finding is based on the following considerations:

1. The project is consistent with the General Plan environmental goals and policies and with the General Plan Land Use/Transportation Diagram.
2. Adequate municipal services are available to serve the project.
3. A noise analysis completed on this project indicates that noise levels will conform to the City's General Plan guidelines.
4. No rare, threatened, endangered or special status species of flora or fauna are known to inhabit the site.
5. During the construction phase of the project, no grading, trenching, material storage, vehicle parking or other construction activities will occur within the dripline of trees identified for preservation.
6. The project will have no significant impact on fish and wildlife resources and will meet all objectives of Section 711.2 of the State Fish and Game Code (exempt from fish and game fees).
7. Street capacity is adequate to serve this proposal.

8. The project site is subject to the 100-year flood. Flood protection will be to the standards of the City's Flood Hazard Ordinance.
9. The proposal will not have any impact on known historical or cultural resources. Mitigation measures including monitoring, relocation and avoidance of the artifacts are incorporated into the project.
10. The project does not propose the use or storage of hazardous materials or toxic gases at this time; therefore, the Initial Study for this project does not address the possible use or storage of hazardous materials or toxic gases. Should such a use be contemplated in the future, the project must meet the requirements of the City's Hazardous Materials Ordinance and Toxic Gas Ordinance. A Hazardous Materials Management Plan must be approved by the San José Fire Prevention Bureau to ensure that the facilities will not have a significant environmental impact.
11. The project conforms to the National Pollutant Discharge Elimination System (NPDES) General Permit to reduce impacts on storm water quality from construction activities. A Notice of Intent will be filed by the project applicant with the State Regional Water Quality Control Board. A Storm Water Pollution Prevention Plan (SWPPP) will be developed, implemented and maintained in compliance with State regulations to control the discharge of storm water pollutants.
12. The project conforms to the City of San José's National Pollutant Discharge Elimination System (NPDES) permit to reduce impacts on storm water quality.
13. While it is known that some public controversy exists regarding the project itself, no information is available that the controversy is relevant to the environmental impacts of the proposal.
14. During construction, there will be short-term increases in noise and dust. Standard construction techniques, including flagmen, equipment mufflers and dust control will be utilized during the term of the project to reduce the impacts to an acceptable level.

PROTEST OF A NEGATIVE DECLARATION

The Negative Declaration may be protested in writing by any person prior to 5:00 p.m. on **October 31, 2000**. Such protest shall be filed in the Department of Planning, Building and Code Enforcement, Room 400, 801 North First Street, San José, upon payment of the \$50 filing fee and shall include a statement specifying those anticipated environmental effects which may be significant. A protest of a Negative Declaration will be heard by the Planning Commission at the earliest date.

James R. Derryberry, Director
Planning, Building and Code Enforcement

Circulated on: October 11, 2000

Deputy

Adopted on: _____

Deputy